HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.17331 of 1995

Between:

K.Nagaabhushanam and others … Petitioners

And

The Chief Engineer, Kothagudem Thermal

Power Station, A.P. State Electricity Board,

Palwancha, Khammam District and another

… Respondents

:: ORDER::

Counsel for Petitioners : Sri Chandraiah Sunkara for

Sri C. Narender

Counsel for Respondents : Smt. E. Urmila

December 27, 2005

This is a petition for issuance of mandamus to the respondents not to discontinue the services of the petitioners and to regularize their services.

The petitioners were engaged as contract labourers at the generating stations of A.P. State Electricity Board (for short 'the Board'). They filed this petition apprehending threat of discontinuance of their engagement.

During the pendency of the writ petition, the Government of Andhra Pradesh abolished the contract labour system and the petitioners were absorbed in the services of the Board.

Today, Sri Chandraiah Sunkara has filed additional affidavit of petitioner No.6, paragraphs 2 to 4 of which read as under:

> "2. It is submitted that the writ petition has been filed questioning the action of the 1st respondent herein in not allowing the petitioners to attend the duties w.e.f. 1-7-1995 without assigning any reason as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and also Section 25 H of the Industrial Disputes Act, consequently seeking a direction to the

respondents to absorb the petitioners in the respondent-Board while continuing the petitioners in the respondent-Board.

3. It is submitted that this Honourable Court has been pleased to grant the interim direction by order dated 4-8-95 in WPMP No.21161/95 in W.P.No.17331/95.

4. It is submitted that pursuant to the interim order passed by this Hon'ble High Court the petitioners were continued in service. Thereafter the Government of A.P. abolished the contract labour system in respect of 33 categories of employment vide G.O.Ms.No.41, Labour Employment (Training & Factories) Dept., dated 23-9-96 and the erstwhile A.P.S.E.B. has taken policy decision vide B.P.Ms.No.37, dated 18-5-1997, B.P.Ms.No.260, dated 19-12-1997 and B.P.Ms.No.272, dated 31-12-1997 to absorb the contract labour working in the 33 abolished categories and are continuing as on 23-9-1996. Accordingly all the petitioners were absorbed w.e.f. 6.12.1996 vide proceedings dated 18-3-1998 as Mazdoors / J.P.As. based on their qualifications, as such no further orders are necessary in this writ petition. Therefore, the Hon'ble High Court may be pleased to pass appropriate orders accordingly."

Learned counsel for the petitioners says that in view of the above development, the writ petition may be disposed of as infructuous.

Learned counsel for the respondents says that she does not have any objection.

In view of the above, the writ petition is disposed of as infructuous.

G.S. SINGHVI, CJ

December 27, 2005

VR / svs